

THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

**ROBERT D. BELUE, et al.,**

Plaintiffs,

VS.

**A. O. SMITH ELECTRICAL  
PRODUCTS COMPANY, a division  
of A.O. SMITH CORPORATION, et  
al,,**

Defendants.

**CIVIL ACTION NO.**

2:06-cv-1034-WKW

## JURY DEMAND

## PLAINTIFFS' RESPONSE TO MOTION TO DISMISS

Plaintiffs in response to the Motion to Dismiss dated December 8, 2006, filed Notice of Dismissal, dismissing defendants A.O. Smith Corporation, and A.O. Smith Electrical Products Company, from this action. Therefore, this action fulfills the pleading requirements set forth by Rule 8 of the Federal Rule of Civil Procedure and should not be dismissed for failure to state a claim.

Requested this the 2<sup>nd</sup> day of January, 2007.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to all counsel of record by e-mail, and by U.S. Mail, postage prepaid as follows:

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Defendants.

CIVIL ACTION NO.

2:06-CV-1034-WKW

**NOTICE OF DISMISSAL OF DEFENDANT**  
**A.O. SMITH CORPORATION WITHOUT PREJUDICE**

Plaintiffs, by and through their undersigned counsel, notices this Court of their dismissal of Defendant A.O. Smith Corporation without prejudice in this action.

This 29<sup>th</sup> Day of December, 2006.

Respectfully submitted,

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# CERTIFICATE OF SERVICE

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CIVIL ACTION NO.

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**NOTICE OF DISMISSAL OF DEFENDANT**  
**A.O. SMITH ELECTRICAL PRODUCTS COMPANY COMPANY**  
**WITHOUT PREJUDICE**

Plaintiffs, by and through their undersigned counsel, notices this Court of their dismissal of Defendant A.O. Smith Electrical Products Company without prejudice in this action.

This 29<sup>th</sup> Day of December, 2006.

Respectfully submitted,

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